

REMARKS

Claims 1-4, 7-10, and 15-22 are pending in the application with claims 1, 7, and 19 being independent.

Claims 1-4, 7-10, and 15-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,339,595 to Rekhter *et al.* (hereinafter “Rekhter”). This rejection is respectfully traversed.

The Office Action contends that Rekhter describes a first router coupled to the shared MPLS network and configured to dynamically distribute first router VPN information across the shared MPLS network, where the first router VPN information includes a VPN identifier, which is assigned to the first router. The Examiner stated that FIG. 1 discloses router CE1 having an internal VPN ID when communicating within VPN V. In contrast, FIG. 1 of Rekhter shows two private networks VPN V and VPN W, where VPN V has routers CE1 and CE2, but shows nothing analogous to the first router as recited in claim 1. Indeed, FIG. 1 shows CE1 router in a one-way communication (indicated by arrows) with CE2 router via transit routers PE1, P1, P2, and PE2. (See, FIG. 1). However, there is no coupling of routers CE1 or CE2 to the MPLS network (which is neither shown in FIG. 1 nor discussed in the accompanying description of FIG. 1), in contrast to the recitation of Application’s claim 1 for a first router coupled to the MPLS network. Thus, there is no mention or suggestion that either of CE1 or CE2 is coupled to the shared MPLS network and configured to dynamically distribute first router VPN information across the shared MPLS network, which includes a VPN identifier.

The Office Action stated that Rekhter discloses dynamic distribution of router information to the network (See, Office Action, page 5, second paragraph and Rekhter, col. 8, lines 65-68). However, Rekhter describes a recursive look-up algorithm employing tables for distribution of router information to the network. (See, col. 8, line 56 to col. 9, line 22). The distribution of information with tables does not dynamically change and is therefore static as opposed to dynamic. Thus, Rekhter does not teach or suggest dynamic distribution of router information over the shared MPLS network, as recited in claim 1.

The Office Action stated that Rekhter discloses a first router VPN information for distribution over the shared MPLS network, where the first router VPN information includes a VPN identifier. (See, FIGS. 1 and 7, and col. 6, line 17 to col. 7, line 22; col. 34, line 40 to col. 35, line 32). The Examiner stated that first router VPN information is equivalent to VPN ID and the VPN identifier is equivalent to VPN ID for VPN V when communicating within VPN V. (See, Office Action, page 2, paragraph 5). However, FIGS. 1 and 7 do not teach or suggest that either of the routers CE1 or CE2 include a VPN ID or a router VPN information for distribution across the shared MPLS network. As discussed above, FIGS. 1 and 7 show VPN V having routers CE1 and CE2, and VPN W having routers CE, where routers are connected via transit routers PE1, P1, P2, and PE2. (See, col. 6, line 17 to col. 7, line 22). In contrast with claim 1 that recites a VPN identifier assigned to the first router, Rekhter does not teach or suggest that either of the routers CE, CE1, or CE2 possess or transfer any kind of VPN identification information for distribution over MPLS network. Rekhter further describes a packet information that is received by the router CE2 having system destination address information D1, which is common to all information received by routers in VPN V. (See, col. 6, line 17 to col. 7, line 22). This

differs from the recitation of Applicants' claim 1 that calls for the first router being coupled to the shared MPLS network and configured to dynamically distribute first router VPN information across the shared MPLS network, where the VPN information includes a VPN identifier. Thus, there is no teaching or suggestion of the first router distributing VPN information over the shared MPLS network, as recited in the present claim 1.

The Applicants respectfully point out to the Examiner that the terms "VPN ID" and "internal VPN ID" (See, Office Action, page 2, paragraph 5) are not disclosed, taught, or suggested by Rekhter and are not analogous to Rekhter's VPN V and VPN W because the latter are not address identifiers for virtual private networks as opposed to Rekhter's label of private networks. Therefore, the use of these terms is improper with respect to the first router information that is to be distributed over the shared MPLS network and the VPN identifier, respectively.

Therefore, it is respectfully submitted that Rekhter does not teach or suggest the element of the first router, as recited in present claim 1.

The Applicants respectfully submit that the element of a second router coupled to the shared MPLS network and configured to dynamically distribute second router VPN information across the shared MPLS network, where the second router VPN information includes a VPN identifier, which is assigned to the second router, as recited by present claim 1, is not taught or suggested by Rekhter for at least the same reasons stated above with respect to the element of first router.

The Office Action stated that Rekhter describes a VPN identifier assigned to the first router being the same as a VPN identifier assigned to the second router. (See, Office Action,

page 2, paragraph 5). The Examiner referred to FIGS. 1 and 7 and in particular to routers CE1 and CE2 having the same internal VPN IDs. However, as discussed above, internal VPN IDs of routers CE1 and CE2 are not the same as the first and second router information that is dynamically distributed across the MPLS network, as recited in claim 1 of the present Application. FIGS. 1 and 7 do not show CE1 and CE2 containing any information that is to be distributed over the MPLS network and, more specifically, that this information is the same. Also, FIGS. 1 and 7 do not discuss VPN ID or VPN identifiers in relation to routers CE1 and CE2, as suggested by the Examiner.

The Office Action stated that Rekhter discusses “the same network resource being part of two different VPNs.” (See, Office Action, page 5, first paragraph, and Rekhter, col. 6, line 35 to col. 7, line 22). However, in this case the Examiner mistakenly referred to contents D1 packet destination address field of the packet sent to a router in VPN V, where the contents D1 are the same for every packet sent to a VPN. (See, col. 6, line 35 to col. 7, line 22). This is different from having a router configured to dynamically distribute the router’s VPN information over an MPLS network, where the VPN information includes a VPN identifier associated with the router, as recited in claim 1. The reason this is different is because contents D1 identify information sent to the network (i.e., an IP address) and do not identify a VPN (i.e., VPN identifiers assigned to a first or a second router), as recited in claim 1. Thus, there is no teaching or suggestion in Rekhter that routers are identified by the same VPN identifiers.

According to MPEP § 2143:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference

or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Clearly, Rekhter does not support a *prima facie* case of obviousness as suggested by the Examiner in view of the distinctions previously mentioned. The Examiner's rejection of claim 1 is respectfully traversed. The Examiner is respectfully requested to reconsider and withdraw his rejection of claim 1.

Claims 7 and 19 are patentable over Rekhter for at least the same reasons stated above with respect to claim 1. Therefore, the Examiner's rejection of claims 7 and 19 is respectfully traversed. The Examiner is respectfully requested to reconsider and withdraw his rejection of claims 7 and 19.

Claims 2-4, 8-10, 15-18 and 20-22 are dependent on the respective independent claims 1, 7, and 19. As such, Rekhter does not teach or suggest elements of the above-mentioned dependent claims for at least the same reasons presented above with respect to respective claims 1, 7 and 19. Therefore, this rejection is respectfully traversed. The Examiner is respectfully requested to reconsider and withdraw his rejection of claims 2-4, 8-10, 15-18 and 20-22 based on Rekhter.

No new matter has been added.

The claims currently presented are proper and definite. Allowance is accordingly in order and respectfully requested. However, should the Examiner deem that further clarification

of the record is in order, we invite a telephone call to the Applicants' undersigned attorney to expedite further processing of the application to allowance.

Respectfully submitted,



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